THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.28002 OF 1996

ORAL ORDER:

This writ petition is filed questioning the order dated 30.10.1996 passed by the 1st respondent rejecting the request of the petitioners to grant exemption under Section 20 of the Urban Land (Ceiling & Regulation) Act, 1976 (for short "the Act").

Though various grounds have been raised on merits, it is primarily contended by the petitioner that the impugned order, which was not passed without assigning any reasons for rejecting the exemption sought by the petitioner is arbitrary and illegal.

Under Section 20 of the Act, the State Government is empowered to grant exemption on being satisfied with regard to any of the conditions specified in clauses (a) and (b) of sub-section (1) of Section 20 of the Act. Hence, while rejecting any request for exemption, the 1st respondent is bound to assign the reasons.

Absence of such reasons is undoubtedly one of the grounds for judicial review under Article 226 of the Constitution of India, since failure of the authority to assign reasons would result in violation of principles of natural justice.

Accordingly, without expressing any opinion on merits, the impugned order dated 30.10.1996 is hereby set aside and the writ petition is disposed of with a direction to the respondents to consider the request of the petitioner for exemption under Section 20 of the Act and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. No costs.

(G. ROHINI).

12th February, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.28002 OF 1996

12th February, 2007.

Between:

Smt. K. Kanaka Durga and others. .. Petitioners.

And

The State of Andhra Pradesh, repreented by its Principal Secretary, Revenue (U.C.II) Department, Govt. of A.P., Secretariat Building, Secretariat, Hyderabad and others. .. Respondents.